

SPECIAL MEETING OF CITY COUNCIL
SAVANNAH, GEORGIA


Pursuant to the following call, a Special Meeting of Savannah City Council was held this date at 4:30 p.m. in the Council Chambers of City Hall.

February 19, 2016

Pursuant to a Call by the Mayor, notice is hereby given of a Special Meeting of the Mayor and Aldermen of the City of Savannah, which will be held on Monday, February 22, 2016, at 4:30 p.m. in Council Chambers at Savannah City Hall. The subject of the meeting will be to consider adoption of an Intergovernmental Agreement Concerning Savannah-Chatham Metropolitan Police Department with Chatham County.

Your presence is appreciated.

Sincerely,



Dyanne C. Reese
Clerk of Council

PRESENT: Mayor Eddie W. DeLoach, Presiding
Mayor Pro-Tem Carol Bell
Alderman Julian Miller, Chairman of Council
Alderman Brian Foster, Vice-Chairman of Council
Tony Thomas, John Hall, Estella Shabazz, Bill Durrence

City Manager Stephanie Cutter
City Attorney W. Brooks Stillwell
Assistant City Attorney William Shearouse

ABSENT: Mayor Pro-Tem Van Johnson out of town

The special meeting of Council was held this date at 4:30 p.m. in the Council Chambers of City Hall. Mayor DeLoach called the meeting to order stating today's meeting was called to consider the amended agreement with Chatham County for the Savannah Chatham Metropolitan Police Department Merger Agreement to adjust two points and take consideration of it all. The tracking of the officers in the City and County jurisdiction and adjustment of the percentage each entity will pay for the merged police department.

Mayor DeLoach called for a motion.

Alderman Miller moved to approve the merger agreement with the amendments to the agreement as outlined today and at the work session on Thursday, February 18, 2016. Alderman Foster seconded the motion. Alderman Thomas asked for discussion.

Alderman Thomas asked Mayor DeLoach to read in its entirety the additions that have been made after which he will ask questions.

Alderman Miller stated the following: the two issues concern beats and the percentage of payment back. The City and the County agreed separately on a working agreement in 2015, there were some concerns about whether it would be passed. Individual County Commissioners and City Council members worked individually trying to determine what could and could not be accepted and it came down to two issues. The first was the beats. He read the change as follows, "While it is preferable that all beats that presently encompass both City and Unincorporated County areas be redrawn so that no beats cross jurisdictional lines, MPD, on or before August 31, 2016 will install technology tracking in all MPD vehicles and (Alderman Miller added) "individual radios" so that it can be readily recorded which vehicles are in which jurisdictions. The Chief will keep accurate records of the time worked by officers in each jurisdiction."

Alderman Miller continued stating the second has to do with the Cost Allocation Structure. The original agreement called for a consultant to come in and try to assess the correct appropriation of the expense. This agreement calls for a three member panel with one person being appointed by the City and one for the County and the third being jointly appointed to reassess the funding formula. He read the change as follows, "Until the implementation of the evidence-based funding formula, the County agrees to pay the City a fixed fee of \$13,100,000 per annum for the services of Shared Departments, payable in monthly installments of \$1,091,667. The fee will be subject to reconciliation pursuant to the evidence-based funding formula devised pursuant to Item 3. Because the City voted on its 2016 budget in 2015 and that budget anticipated \$14,154,780 annual payments from the County, the county will pay \$14,154,780 for calendar year 2016, payable in equal monthly installments of \$1,179,565. For calendar year 2017, the County will pay \$12,045,220, payable in equal monthly installments of \$1,003,768."

Alderman Thomas stated he has several questions, in overhearing Attorney Stillwell talking with Alderman Durrence about another legal matter he stated, "we have a process." Alderman Thomas continued stating there is a process for these negotiations as well, he commended Alderman Miller for his hard work stating he spent a lot of effort into this and he also commended Commissioner Tony Center who was present. He stated his concern is that all negotiations seem to be between the City Attorney to Commissioner Center to Alderman Miller circumventing the City Manager's Office which is his chief concern. A month ago when the agreement was adopted with Mrs. Cutter's office one of the things this Council unanimously agreed to is not to circumvent or go around that office. As the City Manager, she is one of the people on the Policy Committee along with the Mayor, County Commission Chairman and

County Manager. He stated he is not aware of a time where there was a meeting to discuss the plan or the different elements in it. He believes keeping a merged department is important and there is community representation present that supports it and everyone is aware of the ramifications if the departments were to split and what the crime statistics would look like in the City of Savannah. He stated his chief concern is the process which has clearly circumvented the City Manager who expressed her concerns as it relates to the different elements of the agreement which was drafted by a few individuals to include the City Attorney who works for this Council and all its members. This sets a precedence of going around the City Manager and not following through with her office. He asked if in the future, when Mrs. Cutter is no longer in that seat and someone else is will the precedence be to go around them as well with important issues as such? He stated contrary to what was published in the newspaper that Mayor DeLoach placed him to help with the matter he has been involved with two discussions, other than that they have run with ball in hand. He stated he spoke with Commissioner Center a few times, however the only meeting he had was with Chief Lumpkin, City Manager Cutter, Mayor DeLoach and Alderman Miller, followed by another meeting with Alderman Miller for approximately an hour at Starbucks on Abercorn where he showed him what had been worked out by himself, Attorney Stillwell and Commissioner Center the night before the last meeting as they wanted this to be placed on the agenda at that time. Alderman Thomas stated when Commissioner Center came in today's meeting he asked him if he had the authority to negotiate on behalf of the County, he replied, "no this was his plan." He asked Mayor DeLoach if the individuals that have been so involved in the discussions ever met with City Manager Cutter, Mayor DeLoach, Chairman Scott and the County Manager to discuss this other than with members amongst the bodies. Mayor DeLoach replied if Mrs. Cutter is asked she will tell him that he has informed her of every item that was covered in detail and got her opinion of everything discussed. He continued stating whether he agreed with her or not is okay on his part to choose but, she was always informed.

Alderman Thomas replied with all due respect the question to him was has he sat down and had a called meeting with the County Chairman, County Manager, Mrs. Cutter and himself to discuss the agreement. Mayor DeLoach replied no, he has not. Mayor DeLoach referring to City Manager Cutter asked her if he has kept her informed of all items discussed. City Manager Cutter replied she has received copies of the original draft and the draft dated she believes February 21 which she submitted her comments to, to Council in work shop on Thursday and put in memo format to Council today. She continued stating last evening she forwarded comments to Alderman Thomas, Commissioner Center, Mayor DeLoach, Attorney Stillwell and Alderman Miller for consideration. Mayor DeLoach stated he wanted to make it known the City Manager was always kept abreast of anything that took place in any negotiations. He stated each person negotiated on their own and did what they deemed necessary to get the agreement passed and at no time circumvented the City Manager. Alderman Thomas replied he respectfully disagrees as there is a Policy Committee in place which states that City Manager Cutter, the Mayor, County Chairman and County Manager are the ones that would sit down to meet. However, there were independent individuals involved and Commissioner Center with his due diligence and hard

work is present today to present a plan he has drafted on his behalf to send back to the County which he feels he can get the votes for. Alderman Thomas continued stating his concern is, is that that plan from the Policy Committee and has the Policy Committee ever met which Mayor DeLoach stated they did not. He feels this is a brokered plan. He stated he does not want to leave the City Attorney out because he has been engaged and involved in this as well. He stated his concern is if Council continues to move and operate the City in this manner where there are independent issues going on that are not working in conjunction with the City Manager's office which is against what we all agreed to, it bothers him and should bother the general public that this administration is not following the form of government that we are laid out and mandated to do. Mayor DeLoach replied stating they have negotiated on items, only the Policy Committee can agree to an actual agreement and that will be done after Council agrees on these items. He stated if both parties agree upon them they will then go before the Policy Committee to be approved. Alderman Thomas replied with due respect again, he believes on Thursday City Manager Cutter expressed she still had concerns regarding the matter and took the time to draft a memo and her concerns have not been completely answered regarding the matter.

Mayor DeLoach asked if there were any other comments.

Alderman Miller stated he understands what Alderman Thomas is stating but his premise is wrong. He stated Attorney Stillwell was not involved, he received everything after the fact to help them put it in correct form. The discussion started amongst Commissioner and Council members that were concerned that the merger would not go forward. The Police Department needed to know if it was going to be a City Department or a merged department which is when they began discussions amongst themselves. It started out with a host of issues and came down to two, those were put into the form of a contract by Commissioner Center who did a ton of work and then it was provided to the City Attorney to ensure accuracy. The City Manager was advised along the way of what was going on. Alderman Miller stated they even had discussions in Atlanta in which they shared discussion points at that time. Alderman Thomas asked Alderman Miller who the discussions in Atlanta were held with. He replied, with the City Manager. He stated what is before Council today is a proposal being brought forward after he had conversations with members of the County Commission and some members of this Council that felt there were some things they were agreeable upon changing and others they were not. He ended stating what is being presented is a sum total of everything and is being provided for the benefit of both bodies.

Alderman Shabazz stated in reference to this Intergovernmental Agreement and this Special Call Meeting today, we have this new Council has been in session now for 46 days. In 46 days, as she is sitting here hearing things for the first time herself the process of the Public Policy Committee with the Mayor, City Manager, County Commission Chairman and County Manager those persons being a part of the Policy Committee and being a returning member of City Council from the previous Council all of those persons were present in the room having discussions and making proposed policies to bring back to each body. She stated she is hearing words today from

Mayor DeLoach and Alderman Miller that they have “informed and advised” the City Manager of their meetings. Those words are totally different than the City Manager being a part, in the room, at the table when discussions were being done. So the process has been null and void to her in reference to what has already taken place from the previous Council. She stated she is in agreement with Alderman Thomas and if they after being with this new Council for 46 days and this date February 22nd makes the 46th day of this new Council, if they start this way and continue of breaking policies and negotiations, going back to what the previous Council has done, trying to rehash things the previous Council has already voted on, they are going to be moving forward in a rocky wave on City Council. Alderman Shabazz continued stating with her discussion and comments are the process has totally been out of order in reference to this Intergovernmental Agreement and she is hearing the City Manager who has stated she has been sending emails back and forth to whomever met to come up with this Intergovernmental Agreement and she sees there has been a lot of work done which she commended those who have taken the time to do so. Referring to Dyanne Reese, Clerk of Council Alderman Shabazz asked if there is a law or ordinance to the order in how Council does business that they are supposed to when dealing with matters when dealing with other departments in the City that they are supposed to communicate with the City Manager. Mrs. Reese replied the City of Savannah has a Charter in place and the Mayor works with the City Manager on issues concerning the City and City Council so her direction in asking her is a decision of Council. She continued stating any Council member can bring anything before Council, but the process is the decision of Council. Alderman Shabazz thanked Mrs. Reese and continued asking with the Public Policy Committee if there was some type of meeting held to disband the previous committee and if so, when was it done and if not, her concerns are the process and not the work involved. She stated if we start doing this, going back to what the previous Council has done she doesn’t know what will happen to the Fairgrounds property or the situation with the arena, she doesn’t know if certain Council members will go negotiate with other Council members and not the entire Council being involved. She stated they are heading down a rocky road and if things don’t come together they are heading for not good relationships on this Council.

Alderman Hall stated City Manager Cutter sent back five points to Council today Section 4 Cost Allocation Structure Cost Allocation Structure - A \$2 million reduction and Section 7: Legal Representation and Settlement of Outstanding Claims. He commended Alderman Miller and Commissioner Center as well stating these things cannot be glossed over and needs to be discussed by the Body. Mayor DeLoach replied, there was an opportunity to discuss it at the last meeting and Council did not choose to do so. He stated it was presented to Council in hand at the last meeting and they did not feel there was enough time to discuss it. it was going to be placed on the agenda at the last meeting but because they stated more time was needed it wasn’t and they were given the additional time from then to present to review and discuss it. Alderman Hall replied and Mayor DeLoach has had the same amount of time to address the concerns and he hasn’t and he is waiting for them to do so. Mayor DeLoach replied there are two things they are

concerned about today and they which is what they are going to deal with and vote on the merger.

Alderman Durrence stated in particular referring to Alderman Thomas' concerns as it relates to the process of this, when he reads Section 2-C Policy Committee and Elected Officials granted this is in legal ease and is not as absolutely clear as it might be to him but the way he reads it states, this Policy Committee is responsible for ensuring the implementation, managing this agreement. The Policy Committee is not responsible for negotiating this agreement, that is the responsibility of this Council and he thinks that has been done. He continued stating he thinks the City Manager and her concerns about this has done exactly what she is supposed to, she's done her job stating items she is concerned about, several Council members are stating they have not addressed them and he doesn't agree. Alderman Durrence stated they looked at them and decided she did what she was supposed to and now Council is doing what they are supposed to now. Alderman Hall asked Alderman Durrence, when you say "we have" who he is referring to. Alderman Durrence replied anyone who is stating we haven't addressed the City Manager's concerns, just because they haven't agreed with them is missing the point, addressing them and agreeing with them isn't the same thing. He continued stating he has looked at the agreement and has gone through it and appreciates the City Manager's concerns but feels it is important to move forward with this as it is.

Alderman Thomas stated one of the things to direct to Alderman Durrence when he used the term "we've decided" to move forward it raises some serious questions about who the "we've" is in that and asked who has decided stating the entire Council has not met to decide anything. He knows Alderman Miller met and is versed in everything and he knows the City Attorney has been innately involved with some of this but when he talks about "we've" met and "we've" decided that becomes a serious matter because this is a government comprised of 9 seats, not just 5 seats so the fact is when language as such is used it suggests there have been backroom meetings. Alderman Thomas continued stating he has to wonder if there has truly been a backroom decision made with this issue and possibly others. Alderman Durrence responded stating his comment that "we've" decided to move forward was simply to stated that a meeting was scheduled to vote and he doesn't know how anyone plans to vote. Alderman Thomas referring to the Mayor stated in moving forward he scheduled the meeting for Friday for a Special Call meeting and he found out around 5 or 5:30 for Monday and he assumes someone was pushing the envelope after the Council meeting on Thursday in order for Council to have a Special meeting. Mayor DeLoach stated he did it. Alderman Thomas stated when he hears language from someone who is an Alderman saying "we've" decided and when he sees that there is work done over the weekend and hears from what Alderman Hall stated that there is still \$2M of taxpayers money to shoulder for the cost of policing it is bothersome, when he hears that these are the two issues that "we're" interested in he wonders where the discussions occurred over this very serious matter. He continued stating he doesn't think Council should engage in playing political football with policing in this community especially with the number of bodies lying in the streets. All the promises in the campaign come down to this and this community doesn't need

to play tug of war with the police department any longer. He asked why is there such a push and rush for the City to give to the County when there is already an agreement in place? Why is there a push for an independent member of the County present for Council to adopt his plan versus what has been seen from any other Commissioner. It's not that he doesn't trust Commissioner Center or Alderman Miller but he has some serious concerns about the way this has come up and how the process has not occurred in what he believes to be an open and transparent manner and he feels the City Attorney was engaged in helping with it and it went around the City Manager whether she was apprised of everything or not. Alderman Thomas ended stating please make Council aware now if they are having private backroom meetings so that some members time can be saved.

Mayor DeLoach stated he is going to call on Alderman Miller and then a vote will be taken. Alderman Miller stated he thinks they have been very open stating that the meetings were between individuals on the County Commission and himself. Alderman Thomas interrupted stating he absolutely disagrees. Alderman Miller stated he has the floor. Alderman Thomas replied stating, "okay when you're done I will come back". Mayor DeLoach replied, no. Alderman Shabazz indicated she has additional comments as well. Alderman Miller continued stating when they talked about the City Manager and her comments she did have comments and they were addressed, one of the things mentioned was that there was no escape clause which was put in at her request, he stated she came in just today about three hours ago with 5 issues that she raised one of which is the \$2M, however they do not know what that figure is because the \$2M is just a placeholder because in 2017, they will know what the percentage is each entity will pay which will be retroactively applied all the way back to January 1, 2016. The other issues that were raised were in the original agreement and were not changed.

Mayor DeLoach called for the question. Alderman Shabazz stated she has some additional discussion on this. Mayor DeLoach replied she has two minutes. Alderman Shabazz stated her question she asked earlier when he or someone dismantled the Public Policy Committee was never answered. Mayor DeLoach replied, as far as he knows it's still in place. Alderman Shabazz replied, excuse me sir. Mayor DeLoach responded, as far as he knows it is still in place and he is a member of it. Alderman Shabazz then stated Alderman Durrence mentioned and stated the ordinance and something else and asked Mayor DeLoach or Alderman Durrence to state the Council members Alderman Durrence was referring to signified by the word of "we" met.

Mayor DeLoach asked was there anything else.

Alderman Shabazz asked if someone can answer that question for her.

Mayor DeLoach replied he can't answer.

Alderman Shabazz replied, you can't answer?

Mayor DeLoach replied, has he met on this, absolutely.

Alderman Shabazz interrupted stating, he (Alderman Durrence) said, “we”.

Mayor DeLoach stated he met with Stephie, Tony

Alderman Thomas replied, one time.

Mayor DeLoach stated it doesn’t matter how many times he met with him and continued stating he met with Bill and everybody that was stand still to go over this so they could move this forward because they have sat her and wasted time on this and it should have been passed by the other group but it was not passed by the other group therefore, we are going to pass it today, if we got the votes. He stated if there are any questions other than that he is calling or he question.

Alderman Hall stated you know you have the votes Mister Mayor

Mayor DeLoach stated, “let’s go ahead and vote”

Alderman Shabazz stated, “Mister Mayor, do I still have the floor sir?” (twice)

Mayor DeLoach replied, no and called for a vote.

Alderman Shabazz replied stating, “so I can’t talk as a City Council member?”

Mayor DeLoach stated, all in favor.

A board vote was taken with the following voting in favor: Mayor DeLoach, Aldermen Durrence, Bell, Miller and Foster. Aldermen Thomas and Hall voting against. Alderman Shabazz did not vote. Alderman Johnson was absent as stated in the beginning of the minutes.

Alderman Shabazz stated she has never seen anything like this in her life.

Alderman Hall stated, “this is just the beginning.”

Alderman Shabazz stated the following: “I can’t vote because the Mayor did not allow me to tell my constituents the reason why I’m going to be voting a certain way. He cut me off, so how can I vote.”

Clerk Reese stated, “you can vote and you must remember that the Mayor is presiding”

Alderman Shabazz replied, “I understand”

Clerk Reese continued stating, “the Mayor can limit discussion after comments have been made.”

Alderman Shabazz replied, “but I haven’t finished my comments”

Clerk Reese replied, “Mayor DeLoach asked if that was all”

Alderman Shabazz replied, “but I was not finished”

Alderman Hall stated, “Madam Clerk can you please read the names of the yes votes.”

Clerk Reese replied, “the yes votes are DeLoach Durrence, Bell, Miller and Foster”

There being no further business, Mayor DeLoach declared this Special Meeting of Council adjourned at 5:13 p.m.

A handwritten signature in cursive script that reads "Dyanne C. Reese". The ink is black and the signature is fluid and legible.

Dyanne C. Reese, MMC
Clerk of Council